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May 4, 2004

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Gudrun E. Huckett

Gudrun E. Huckett, Patent Agent

OFFICIAL

Applicant: Stephan Hauser

Serial No: 09/965,050

Filed: 9/27/2001

Title: 3-Dimensional Mat-System for Positioning, Staggered Arrangement and Variation of Aggregate in Cement-Bonded Structures

Examiner: Basil S. Katcheves

Art Unit: 3635

Director of Technology Center 3630
Commissioner for Patents
Alexandria, VA 22313-1450

LETTER RESUBMITTING PETITION TO WITHDRAW FINAL REJECTION

On April 5, 2004, the undersigned submitted a petition (copy attached, including new power of attorney; revocation of prior power of attorney) to withdraw final rejection status to fax number 703-872-9306 (copy of transmission report attached). Apparently, this communication was lost in the USPTO. The undersigned spoke with the examiner today, and the examiner indicated that no communication has apparently been received and matched with the file.

It is respectfully requested that, based on the petition filed April 5, 2004, the final status be withdrawn and the amendment filed February 27, 2004, be entered and considered.

It is respectfully requested that the power of attorney originally submitted with the amendment of June 6, 2003, be acknowledged and entered.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to deposit account 50-1199.

Respectfully submitted on May 4, 2004.

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GEH: copy of petition, power of attorney; revocation of power of attorney, transmission report

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PETITION TO WITHDRAW FINAL REJECTION

In reviewing the status of the instant application on the PAIR system, the undersigned found that a final rejection, mailing date March 3, 2004, has issued. The PAIR system also shows that an "Amendment after Final" was entered on Feb. 27, 2004.

The amendment submitted by the undersigned as a supplemental amendment by fax on Feb. 27, 2004, was received in the USPTO on Feb. 27, 2004, before the final action issued. In response to the amendment dated February 27, 2004, an advisory action issued.

Obviously, since the amendment dated February 27, 2004, and received Feb. 27, 2004, was submitted prior to the final rejection, the amendment dated February 27, 2004, should have been entered and considered before the final rejection was mailed. Instead, the amendment was considered an amendment after final and therefore the advisory

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action issued; this has been verified by the examiner by telephone. However, technically the supplemental amendment dated February 27, 2004, cannot be an amendment after final since it was received prior to the date of the final action. Since the supplemental amendment was submitted **before the final action**, it should have been entered and considered by the examiner. Instead, the examiner issued an advisory action.

Therefore, it is respectfully requested that the final action and the advisory action be withdrawn and that the examiner properly consider the **supplemental amendment of February 27, 2004**.

Moreover, with the amendment submitted on June 6, 2003, a **Revocation of Power of Attorney** and a new **Power of Attorney/Authorization of Agent** had been submitted (copies attached). According to the authorization of agent, the undersigned should now be of record as the representative. However, a telephone call to the examiner revealed that the final rejection as well as the advisory action were mailed to the prior attorney of record whose power of attorney had been revoked with the papers submitted June 6, 2003. These authorization papers cannot have been lost since the decision on petition to withdraw the holding of abandonment was properly mailed to the undersigned. Apparently, USPTO staff failed to enter the correspondence data into the PAIR system.

It is therefore respectfully submitted that the power of attorney submitted with the amendment of June 6, 2003, be acknowledged and entered.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on April 5, 2004,

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GEH: copies of power of attorney; revocation of power of attorney

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